

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Amal Mohamud Yusuf,
Complainant,

vs.

DISMISSAL ORDER

Mark Ritchie,
Respondent.

On July 14, 2014, Amal Mohamud Yusuf filed a Campaign Complaint with the Office of Administrative Hearings alleging that Secretary of State Mark Ritchie violated Minn. Stat. § 211B.07 (undue influence on voters) in connection with a 2012 election.

The Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge on July 14, 2014. A copy of the Complaint was sent by U.S. mail to the Respondent on July 14, 2014.

After reviewing the Complaint and attached exhibits, the undersigned Administrative Law Judge has determined that the Complaint does not set forth a *prima facie* violation of Minn. Stat. § 211B.07. This determination is described in more detail in the attached Memorandum.

Based upon the Complaint and the supporting filings and for the reasons set out in the attached Memorandum,

IT IS ORDERED:

That the Complaint filed by Amal Mohamud Yusuf against Secretary of State Mark Ritchie is **DISMISSED**.

Dated: July 17, 2014

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge

NOTICE

Under Minn. Stat. § 211B.36, subd. 5, this Order is the final decision in this matter and a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63 to 14.69.

MEMORANDUM

The Complaint alleges that Secretary of State Mark Ritchie violated Minnesota Statutes § 211B.07 by exerting undue influence on voters in connection with an unspecified 2012 election. The Complaint includes a three-page summary of alleged misconduct. However, it is difficult to decipher from this summary what specific conduct the Complainant contends amounted to prohibited undue influence of voters.

The Complaint primarily discusses contract disputes that the Complainant apparently has with various parties including the Bremer Foundation, the law firm of Leonard Street and Deinard (now Stinson Leonard Street), the city of Hopkins, the Beard Group, and others. The Complaint also asserts that the Secretary of State's Office improperly permitted certain corporate filings with respect to one or more of the Complainant's business interests, and it challenges the validity of a federal tax lien that was apparently filed against the Complainant in her individual capacity.

The Office of Administrative Hearings's jurisdiction to hear and decide campaign-related complaints is limited to alleged violations of Minnesota Statutes Chapters 211A (campaign financial reports) and 211B (fair campaign practices). Nothing in these chapters would govern the alleged contract disputes identified in the Complaint, correspondence and attachments submitted by the Complainant.

The only election related matters mentioned in the Complaint concern an unnamed person who allegedly violated the Complainant's privacy by "exert[ing] influence and control over [Complainant's] decision to vote for Tom Emer [sic]," and a claim that someone tampered with the Complainant's absentee ballot by changing her vote for Mr. Ritchie's opponent. Both of these alleged incidents concern the 2010 elections for the offices of Minnesota Governor and Secretary of State.¹

In order to set forth a *prima facie* case of violations of Minn. Stat. chs. 211A and 211B, a complainant must either submit evidence or allege facts that, if unchallenged or accepted as true, would be sufficient to prove a violation of either or both of those two chapters.² For purposes of a *prima facie* determination, the tribunal must accept the facts alleged as true. The allegations do not need independent substantiation.³ A complaint must be dismissed if it does not include evidence or allege facts that, if

¹On the Complaint form, the Complainant identified 2012 as the election at issue in this matter.

²*Barry v. St. Anthony-New Brighton Independent School District*, 781 N.W.2d 898, 902 (Minn. Ct. App. 2010).

³*Id.*

accepted as true, would be sufficient to prove violations of chapter 211A or 211B occurred.⁴

Minnesota Statutes § 211B.07 provides:

A person may not directly or indirectly use or threaten force, coercion, violence, restraint, damage, harm, loss, including loss of employment or economic reprisal, undue influence, or temporal or spiritual injury against an individual to compel the individual to vote for or against a candidate or ballot question. Abduction, duress, or fraud may not be used to obstruct or prevent the free exercise of the right to vote of a voter at a primary or election, or compel a voter to vote at a primary or election. Violation of this section is a gross misdemeanor.

In order to allege a *prima facie* violation of Minn. Stat. § 211B.07, the Complainant must put forward facts that would support finding the Respondent used or threatened force, coercion, violence, etc., to “compel” a person to vote for him or another candidate. The Merriam Webster Dictionary defines “compel” to mean “to drive or urge forcefully or irresistibly”; or “to cause to do or occur by overwhelming pressure.”⁵

The Complainant has failed to allege any facts to support finding that Secretary of State Mark Ritchie used or threatened force, coercion, violence, or undue influence of any manner to compel someone to vote for him or another candidate in violation of Minn. Stat. § 211B.07. Moreover, the Complaint appears to be untimely as it was not filed within one year of the events that are the subject of the Complaint, as required by Minn. Stat. § 211B.32, subd. 2. For both of these reasons, the Complaint must be DISMISSED.

B. L. N.

⁴ *Id.*

⁵ “Compel.” Merriam Webster Online Dictionary. (July 16, 2014).